

REMARKS

In the Official Action of September 30, 2003, pending claims 1-12 and 17-23 were finally rejected. Claims 1-7, 9, 11 and 12 were rejected under 35 USC 103(a) as being unpatentable over Reilly in view of Robertson; Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Reilly in view of Robertson and further in view of Trent et al; Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Reilly in view of Robertson and further in view of Trent and Despres et al; Claims 17-19 and 21 were rejected under 35 USC 103(a) as being unpatentable over Lee et al in view of Johnson et al; and Claims 22 and 23 were rejected under 35 USC 103(a) as being unpatentable over Lee in view of Johnson and further in view of Trent and Despres.

The present response is fully responsive to the Official Action of September 30, 2003.

Claim Amendments based on Teleconference dated November 18, 2003

Applicant and Examiner Truong conducted a telephone conference on Tuesday, November 18, 2003. Following the teleconference, Applicant submitted proposed claim amendments that were accepted by the Examiner as avoiding the cited art. The proposed claim amendments are now submitted as part of this Response.

Examiner Truong noted that although the proposed amendments avoid the presently cited art, a new search needs to be conducted. Accordingly, Applicant is filing a Request for Continued Examination (RCE) herewith this Response.

35 USC 103(a) Rejection of Claims 1-12

Claims 1-12 were rejected under 35 USC 103(a). More specifically, Claims 1-7, 9, 11 and 12 were rejected under 35 USC 103(a) as being unpatentable over Reilly (USPN 6,427,164) in view of Robertson (USPN 6,269,369); Claim 8 was rejected under 35 USC 103(a) as being

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unpatentable over Reilly in view of Robertson and further in view of Trent et al (USPN 5,961,620); and Claim 10 was rejected under 35 USC 103(a) as being unpatentable over Reilly in view of Robertson and further in view of Trent and Despres et al (USPN 6,434,379).

Claim 1 has been amended to include the limitation "receiving records of individuals from an existing database automatically and without action taken by the individuals." The above limitation is indicative of the "passive" system used by the present invention. In other words, the end user does not have to act for his/her records to automatically populate the database. In most cases, the end user is completely unaware of the automatic population until receipt of the automatically transmitted access account.

All of the cited references require the end user to perform some act that triggers population within a database. Accordingly, the 35 USC 103(a) rejection of Claim 1 (and its dependent Claims 2-12) has been traversed.

35 USC 103(a) Rejection of Claims 17-23

Claims 17-23 were rejected under 35 USC 103(a). More specifically, Claims 17-19 and 21 were rejected under 35 USC 103(a) as being unpatentable over Lee et al (USPN 6,108,691) in view of Johnson et al (USPN 5,664,109); Claim 20 was rejected under 35 USC 103(a) as being unpatentable over Lee in view of Johnson and further in view of Trent; and Claims 22 and 23 were rejected under 35 USC 103(a) as being unpatentable over Lee in view of Johnson and further in view of Trent and Despres.

Claim 17 has been amended to include the limitation "a database automatically populated with existing customer data records without action taken by the customer." The above limitation is indicative of the "passive" system used by the present invention. In other words, the end user does not have to act for his/her records to automatically populate the database. In most cases, the end user is completely unaware of the automatic population until receipt of the automatically transmitted access account.

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All of the cited references require the end user to perform some act that triggers population within a database. Accordingly, the 35 USC 103(a) rejection of Claim 17 (and its dependent Claims 18-23) has been traversed.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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